REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and the following remarks, is respectfully requested.

Claims 1-9 are pending in this application. By this Amendment, Claims 1, 7 and 8 have been amended. Support for the amendments to Claims 1, 7 and 8 is found, by way of non-limiting example, in the specification page 8, lines 3-9. Accordingly, it is respectfully submitted that no new matter has been added.

In the outstanding Office Action, Claims 1-5, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine (U.S. Patent No. 5,692,214) in view of Ehrhart et al. (U.S. Patent No. 6,304,660 B1, hereinafter "Ehrhart"); and Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine and Ehrhart as applied to Claim 1 above, and further in view of Saward (U.S. Patent No. 5,537,473).

Applicants hereby express appreciation for the grant of a personal interview on November 10, 2009. Applicants further express appreciation for the subsequent telephonic communications during which proposed amendments to Claims 1, 7 and 8 were discussed. During the interview the presence of two different storage devices for the television programs, one in computer 1 and one in VCR 2, in the disclosure was discussed. The arguments and discussions during the interview are consistent with the remarks to follow.

Claim 1 recites:

> program acquiring means for selectively acquiring a television program from a program source;
>
> means for storing said acquired television program in a storage device of said information processing apparatus;
>
> means for selectively viewing said acquired television program;
>
> . . .

> determination means for determining whether code information corresponding to said identification information is recorded in a memory of said information processing apparatus; and
>
> accession means for accessing, if said determination means determines that said code information is not recorded in said memory, a server apparatus to download said code information.

Claims 7 and 8 recite similar subject matter in method format. It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Levine, Ehrhart, Saward or any conceivable combination thereof.

The Office Action correctly recognizes that Levine does not disclose the above recited determination means and accession means of Claim 1, and the corresponding steps in claims 7 and 8.[1]

The Office Action then asserts:

> In an analogous art, Ehrhart teaches an apparatus with said code information acquiring means comprising: determination means for determining whether code information corresponding to said identification information is recorded in a memory of said information processing apparatus; and accession means for accessing, if said determination means determines that said code information is not recorded in said memory, a server apparatus to download said code information (column 27, lines 19-27).

Applicants respectfully disagree.

Ehrhart relates in general to apparatuses for use in processing security documents and particularly to apparatuses for processing lottery game tickets.[2] Ehrhart describes two major problems involving scratch-off lottery games. They are:

> The first major problem is that present methods for processing such tickets after play are inefficient. The second major problem is fraud.[3]

Ehrhart explains:

---

[1] See for example page 4.
[2] Column 1, lines 11-13.
[3] Column 1, lines 39-41.

> Several types of "peeking" fraudulent schemes involve "tampering" of game tickets. In a tampering scheme, a ticket agent or probability game player determines the win/loss status of a ticket by removing at least a portion of scratch-off material from a game ticket to determine the form of indicia icons of a play area.
>
> In other peeking schemes, a ticket agent or probability game player attempts to determine the win/loss status of a game ticket without tampering with or materially altering the game ticket.[4]

Furthermore, Ehrhart is concerned with "the problem of counterfeiting of game tickets."[5]

In Ehrhart a "controller 532 determines if a lookup table entry corresponding to the identification code of the present ticket[6] is resident in reader memory space 548."[7] Ehrhart further states that "[i]f an entry is not present in memory 548 then controller 532 proceeds to block 622 to download and then determine at block 623 if an entry corresponding to the identification code of the present ticket is located in a master lookup table stored in memory space of local host processor system 558."[8] Ehrhart goes on to explain "[i]f a lookup table entry corresponding to the present identification code is not located either in the original lookup table or the download Master lookup table, then controller 532 at block 624 causes to be displayed an "Unrecognized Game" message."[9]

Thus, Ehrhart does not describe identification information for identifying a recording apparatus by which a program is recorded. Further, Ehrhart does not include determining whether code information corresponding to said identification information is recorded in a memory of said information processing apparatus. Finally, Ehrhart does not describe or render obvious accession means for accessing, if said determination means determines that said code information is not recorded in said memory, a server apparatus to download said

[4] Column 2, lines 7-17.
[5] Column 2, lines 39-40.
[6] i.e., lottery ticket.
[7] Column 27, lines 19-22.
[8] Column 27, lines 22-27.
[9] Column 27, lines 28-32.

code information. That is, Ehrhart fails to describe the features of Claims 1, 7 and 8 including those described above. That is for the reason Ehrhart is directed to processing security documents and in particular lottery ticket rather than programming information or preset recording of a program. The portions of Ehrhart described above and referred to in the Office Action are concerned with identifying an identification code of a lottery ticket to determine whether the identification code is resident in a memory space.

Further, it is respectfully submitted that Levine would not have looked to Ehrhart for memory information processing of lottery ticket identification codes "to assist in the selection of television programs to be recorded at future times and to control a video tape recorder to implement the selected recordings because Ehrhart is directed to different subject matter from Levine."[10] Thus, because Levine is concerned with "the selection of television programs to be recorded at future times and to control a videotape recorder to implement the selected recordings",[11] Levine would not have looked to Ehrhart which is concerned with problems of processing and fraud involving lottery tickets because the problems described in Ehrhart including "peeking" and counterfeiting have no relevance to the selection and recording of television programs as described in Levine.

Accordingly, it is respectfully submitted that Ehrhart fails to provide any teaching, suggestion, motivation or other logical reason for modifying the television program recordation as described in Levine with the use of identification code memory for lottery tickets.

Furthermore, Levine fails to subscribe supplying personal computer 18 with signals from television antenna/programming source 38 and further fails to describe that the user of the personal computer 1 can view desired television programs and record them to a hard disk

[10] Levine abstract.
[11] Abstract.

such as hard disk 31A as described in the application. Therefore, Levine does not describe or render obvious selectively acquiring a television program from a program source, or storing said acquired television program in a storage device of an information processing apparatus, or selectively viewing said acquired television program as recited in Claims 1, 7 and 8.

As Ehrhart is directed to a security document processing apparatus, Ehrhart also fails to describe or render obvious those features of Claims 1, 7 and 8.

It is respectfully submitted that Saward fails to correct the deficiencies of Levine and Ehrhart pointed out above because Saward fails to describe the features of Claims 1, 7 and 8 described above.

It is respectfully submitted that dependent Claims 2-6 and 9 are patentable at least for the reasons argued above with regard to Claim 1 from which they depend.

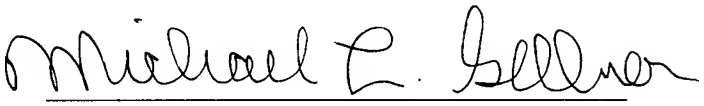
Accordingly, it is respectfully requested that the rejections of Claims 1-8 be reconsidered and withdrawn, and that Claims 1-9 be found allowable.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Michael L. Gellner
Registration No. 27,256

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

2127302_1.DOC